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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,623	09/30/2003	Bobbye Kaye Whitenton Baylis	2002P16242US01;60,427-605	4194

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,623

Applicant(s)

BAYLIS ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 12, 13 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 12, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 1-5, 8, 13 and 21-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' response filed October 23, 2006 complying with all of the prior objections and presenting the claims in the form previously indicated by the examiner to be allowable is acknowledged. This response was only recently processed and forwarded to the examiner for consideration. Upon review of the application, it has come to the examiner's attention that there are some previously unnoted issues remaining that need to be addressed. Since applicants had previously complied with all requirements of record, the finality is being withdrawn and prosecution reopened ^{So}~~set~~_A that the issues may be addressed.

The indicated allowability of claims 9, 10, 12, and 13 is withdrawn in view of a different interpretation of Nakamura, JP-2001-105500A. Rejections based on Nakamura follow.

Drawings

The drawings were received on September 22, 2006. These drawings are acceptable.

Claim Objections

Claims 1, 4 and 9 are objected to because of the following informalities:

regarding claim 1, lines 12-14 appear to be positively including the laser as apart of the weld joint. Accordingly, it is suggested that --when-- be inserted after “wherein” in line 12, “area to permanently attach” in line 13 should be changed to --area--, and --are permanently attached-- should be inserted after “portions” in line 14; and,

regarding claim 4, line 3, and claim 9, line 4, “an absorbing material” should be changed to --a laser absorbing material-- so that it is clear that the “absorbing” property pertains to laser absorption. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

Claims 1-5, 8, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the metes and bounds of the claim is unclear because it appears that intermediate product relationships are being attributed to the final weld joint product. In particular, it should be noted that the preamble of the claim recites a “laser weld joint”. The body of the claim recites that the first and second tapered weld surfaces define taper angles that are different from each other. See lines 7-8. The different angles are shown, e.g., in Figure 2A and are described as present before the

laser welding occurs (e.g., see page 5, paragraph [15]. As discussed in paragraph [27], the two tapered weld surfaces are moved into abutting contact with one another (see page 8, lines 3-4). The laser beam is then utilized to form the laser weld joint. Thus, once the laser weld joint has been formed, the first and second weld surfaces have the same taper angle. Accordingly, it is unclear as to how the weld surfaces having different taper angles serves as a limitation of the final weld joint, itself, when such final weld joint possesses first and second weld surfaces having the same taper angle.

Regarding claims 2-5, 8, 21, and 22, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

Claims 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura, JP-2001-105500 (see English Translation mailed on 10/16/2006).

Regarding claim 9, Nakamura discloses, in Figures 2 and 3, an air induction component comprising a first shell **11**, a second shell **12**, and a laser weld joint area. The first shell **11** is made from a laser-transparent material defining a first weld surface **A1** (see marked-up attachment) and including a first taper locking surface **A2** opposite from the first weld surface **A1**. The second shell **12** is made from a laser absorbing material defining a second laser weld surface **A3** and including a second taper locking

surface **A4** opposite from the second laser weld surface **A3**. A laser weld joint area **A10** is formed at the first and second laser weld surfaces **A3**. The first taper locking surface **A2** and the second taper locking surface **A4** cooperate with each other. The first laser weld surface **A1** comprises a first tapered surface **A1** defining a first angle **A5** and the second laser weld surface **A3** comprises a second tapered surface **A3** defining a second angle **A6** different than the first angle **A5**.

Regarding claim 10, the assembly comprises a predetermined pressure of at least 190 lbs per square inch (this is due to the first shell being on top of the second shell).

Regarding claim 12, a laser beam is applied generally perpendicular to at least one of the first taper surface and the second tapered surface.

Allowable Subject Matter

Claims 1-5, 8, 21, and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 13 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 1 and 13, the prior art of record does not disclose or suggest a laser weld joint comprising a first taper lock surface and a second taper lock surface (claim 1) or at least one of the first taper lock surface and the second taper lock surface (claim 13) defining a taper lock angle that is at least twice that of weld taper angles of both a first and second tapered weld surfaces that are different from each other (claim 1, lines 7-10). The closest prior art, Fratrack, 5,851,194, discloses different tapered angles of tapered weld surfaces; however, there is no motivation to make the taper lock angle that is at least twice that of weld tapered angles since Fratrack discloses the angles to be the same, or approximately the same;

regarding claims 2-5, 8, 21, and 22, these claims directly or indirectly depend from claim 1;

regarding claim 23, the prior art of record does not disclose or suggest an air induction component assembly comprising a first shell including a first wall extension having an inner wall surface and an outer wall surface, and extending from a first base end to a first distal end with a first tapered weld surface and a first taper locking surface being formed on the first wall extension. Nakamura, JP-2001-105500, teaches the wall

extension; however, the extension does not extend from a base end. The wall extension merely is continuous with the first shell; and,

regarding claims 24-30, these claims directly or indirectly depend from claim 23.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

February 27, 2007

Attachment: one marked-up page of Nakamura, JP-2001-105500



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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Nakamura, JP-2001-105500

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